

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

TX 1997-000075

12/16/2002

HON. PAUL A KATZ

CLERK OF THE COURT  
M. Sahli  
Deputy

FILED: 12/20/2002

HELEN H LADEWIG

RANDALL D WILKINS

v.

ARIZONA DEPT OF REVENUE

MICHAEL F KEMPNER

EUGENE O DUFFY PHV  
ONEIL CANNON & HOLLMAN, SC  
STE 1400 111 W WISCONSIN AVE  
MILAUKEE WI 53202-4803  
JOHN W RASMUSSEN  
ROBERT E KAMMAN  
BRIAN J CAMPBELL

EVIDENTIARY HEARING

Prior to commencement of hearing, Plaintiffs' Exhibits 1-32 , inclusive, are marked for identification. Defendant's Exhibit 33 is marked for identification.

9:05 a.m. This is the time set for Evidentiary Hearing. Plaintiffs are represented by counsel, Randall D. Wilkins, Paul Bonn, D. Michael Hall, Eugene O. Duffy, and Brian Campbell. Defendant is represented by counsel, Michael Kempner and Lisa Neuville. Class Members Peggy Bacon and Robert Kamman are represented by counsel, Robert Kamman. Class Members Mercedes Valenzuela , Donald Hilton as Personal Representative of the Estate of Hazel M. Hilton, deceased, and Caroline A. Cleaveland as Successor to the Estates and Trusts of George Cleaveland, deceased, and Edith Cleaveland, deceased are represented by counsel, John W. Rasmussen.

Court Reporter Bethany Campbell is present.

Motion to Intervene Re: Mercedes Valenzuela, et. al. is argued to the Court.

**IT IS ORDERED** that Motion to Intervene is denied.

Robert Kamman addresses the Court re: Notice of Intent to Appear.

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The Court finds that Peggy Bacon individually and in her capacity as the Personal Representative of the Estate of J. Dorothy Riggs and the Estate of Dorothy Schaberg has standing to assert objections.

The Court finds that Robert Kamman individually and in his capacity as beneficiary of the Estate of Glenn Kamman and of the Estate of Mildred Kamman has standing to assert objections.

**IT IS ORDERED** that the State may disclose information regarding the filing of personal tax returns or estate tax returns by Mr. Kamman on his own behalf or on behalf of the estates that he may have been the personal representative of or is their successory interest, if in fact the individual estates paid taxes on their own.

10:40 a.m. Court stands at recess.

10:55 a.m. Court reconvenes with respective counsel present.

Court Reporter Bethany Campbell is present.

By agreement of the parties, the defense will present witnesses first.

Stephen B. Shiffrin is sworn and testifies.

12:05 Court stands at recess.

Plaintiffs' Exhibit 34 is marked for identification.

1:30 p.m. Court reconvenes with respective counsel present.

Court Reporter Bethany Campbell is present.

Stephen Shiffrin resumes the stand and testifies further.

The witness is excused.

Tom Waters is sworn and testifies.

The witness is excused.

Tom McGinnis is sworn and testifies.

The witness is excused.

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Defendant's Exhibit 33 is received in evidence.

D. Michael Hall is sworn and testifies.

The witness is excused.

Robert Mroz is sworn and testifies.

The witness is excused.

Dr. Charles Silver is sworn and testifies.

3:10 p.m. Court stands at recess.

3:25 p.m. Court reconvenes with respective counsel present.

Court Reporter Bethany Campbell is present.

Dr. Charles Silver resumes the stand and testifies further.

Plaintiffs' Exhibit 34 is received in evidence.

The Court asks questions of the witness.

Plaintiff offers Exhibits 1 – 12.001 and Exhibit 30 into evidence.

Exhibit 30 is received in evidence.

Discussion is held.

Closing arguments re: Approval of Settlement.

**IT IS ORDERED** overruling Objections to Proposed Class Settlement and Objection to Stipulation of Settlement.

**IT IS FURTHER ORDERED** approving the Settlement as stipulated and entered into freely by both parties.

5:07 p.m. Court stands at recess.